

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALAN GOMEZ-MARENTES, et al.

Defendants.

NO. CR20-092JCC

[~~PROPOSED~~] PROTECTIVE ORDER

This matter comes before the Court on the United States' Motion for a Protective Order regarding discovery materials, as permitted by Fed. R. Crim. P. 16(d). Having considered the record and files herein, the Court finds there is good cause to grant the motion, and hence:

IT IS HEREBY ORDERED that the discovery materials discussed in the Motion for a Protective Order and referred to therein as "Protected Material," marked specially as "Protected Material," may be produced to counsel for the defendants in this case.

IT IS FURTHER ORDERED that possession of Protected Material is limited to the attorneys of record in this case and their staff, and to any investigators, expert witnesses, and other agents the attorneys of record retained in connection with this case. The attorneys of record, and their investigators, expert witnesses, and other agents can review Protected

1 Material with the defendants. The defendants can inspect and review Protected Material, but
2 shall not be allowed to possess, photograph, or record Protected Material or otherwise retain
3 Protected Material or copies thereof.

4 IT IS FURTHER ORDERED that defense counsel shall not provide Protected
5 Material or copies thereof to any other person outside his or her law office, including the
6 defendants or their family or associates. A defendant residing at the Federal Detention
7 Center (FDC) is permitted to review the Protected Material, consistent with the regulations
8 established by the Bureau of Prisons, with or without counsel in a controlled environment at
9 the FDC, but is prohibited from printing out, copying, or disseminating the discovery.
10 Defendants on pretrial release are permitted to review the Protected Material at the offices of
11 their counsel, but are prohibited from printing out, copying, or disseminating the discovery.

12 IT IS HEREBY FURTHER ORDERED that the defendants, defense counsel, and
13 others to whom disclosure of the content of the Protected Material may be necessary to assist
14 with the preparation of the defense, shall not disclose the Protected Material or its contents,
15 other than as necessary for the preparation of defenses at trial and in subsequent appellate
16 proceedings, if necessary. Specifically, the attorneys of record and members of the defense
17 team acknowledge that providing copies of the Protected Material to the defendants and
18 other persons is prohibited, and agree not to duplicate or provide copies of the Protected
19 Material to the defendants and other persons. This order does not limit employees of the
20 United States Attorney's Office for the Western District of Washington from disclosing the
21 Protected Material to members of the United States Attorney's Office, federal law
22 enforcement agencies, the Court, or witnesses in order to pursue other investigations or the
23 prosecution in this case. Nor does it limit employees of the United States Attorney's Office
24 for the Western District of Washington from disclosing the Protected Material to the defense
25 as necessary to comply with the government's discovery obligations.

26 Nothing in this Protective Order prohibits each defense counsel from showing the
27 Protected Material, or reviewing its contents, with his or her respective defendant or with
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1 others to whom disclosure may be necessary to assist with the preparation of the defense at
2 trial and in subsequent appellate proceedings, if necessary.

3 Further, upon agreement of counsel for the government, members of a defense team
4 may provide copies of specific Protected Material, or redacted versions of such material, to a
5 defendant. When seeking the government's agreement to give such a copy to a defendant,
6 members of the defense team will identify with reasonable particularity, including (where
7 available) the specific Bates-numbered pages and or recording descriptions, the specific
8 material defense counsel proposes to give to the defendant. Unless expressly stated
9 otherwise by the government, copies of Protected Material to be provided to the defendant
10 will continue to be Protected Material subject to all of the protections of the Court's Order,
11 with the sole exception that a copy can be given only to the defendant (and not shared with
12 anyone else outside the defense team). If counsel for the government and counsel for the
13 defendant cannot reach agreement on whether particular portions of the Protected Material or
14 redacted versions of Protected Material should be given to a defendant under these
15 conditions, defense counsel may raise the issue with the Court by way of a motion.

16 IT IS FURTHER ORDERED that if counsel for any party finds it necessary to file
17 any documents marked as Protected Material, the material shall be filed under seal with the
18 Court.

19 Nothing in this Order shall prevent any party from seeking modification of this
20 Protective Order or from objecting to discovery that it believes to be otherwise improper.
21 The parties agree that in the event that compliance with this Order makes it difficult for
22 defense counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an
23 unworkable burden on counsel, defense counsel shall bring any concerns about the terms of
24 the Order to the attention of the government. The parties shall then meet and confer with the
25 intention of finding a mutually acceptable solution. In the event that the parties cannot reach
26 such a solution, defense counsel shall have the right to bring any concerns about the scope or
27 terms of the Order to the attention of the Court by way of a motion.
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1 Nothing in this Order should be construed as imposing any discovery obligations on
 2 the government that are different from those imposed by case law and Rule 16 of the Federal
 3 Rules of Criminal Procedure. The failure to designate any materials as provided in
 4 paragraph 2, above, shall not constitute a waiver of a party's assertion that the materials are
 5 covered by this Protective Order.

6 This Protective Order does not constitute a ruling on the question of whether any
 7 particular material is properly discoverable or admissible and does not constitute any ruling
 8 on any potential objection to the discoverability of any material.

9 IT IS FURTHER ORDERED that at the conclusion of the case, the Protected Material
 10 shall be returned to the United States, or destroyed, or otherwise stored in a manner to ensure
 11 that it is not subsequently duplicated or disseminated in violation of this Protective Order.

12 The Clerk of the Court is directed to provide a filed copy of this Protective Order to
 13 all counsel of record.

14 DATED this 4th day of February 2022.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Amy Jaquette

AMY JAQUETTE

Assistant United States Attorney